

Appln No.: 09/981,089

Amdt. dated

Reply to Office action dated May 23, 2003

REMARKS

Claims 11-45 are presently pending.

Claims 11-20, 22, 27 and 36-40 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,531,050 to Stibolt in view of U.S. Patent No. 5,687,521 to Carlson et al. The Applicant respectfully submits that claims 11-20, 22, 27 and 36-40 are not unpatentable over Stibolt in view of Carlson.

With respect to claims 11-20, 22, and 27, the Office Action recognizes that Stibolt does not disclose a wrap having multiple components connected at their longitudinal ends. The Office Action further states that Carlson discloses a window wrap 16 having multiple components connected at their longitudinal ends, so that wall extensions of each component extend outwardly from their joint and lie in the same plane, the jamb/sill extensions of each of the portions all extend rearwardly (into the wall) from the joint to enable mounting a window pane into a wall structure.

However, element 16 of Carlson comprises an elongate connector in the form of an extrusion 16. There is no disclosure that the extrusion 16 of Carlson is suitable for use in forming a finished window frame around a rough window frame, as recited in claim 11 and by dependency in claims 12-20, 22 and 27.

Instead, Carlson teaches that the extrusion can be interposed between blocks 14 and a window frame 12. The extrusion is used to align and locate the blocks relative to one another and relative to the window frame. See col. 2, ll. 35-40. The window frame of Carlson is already in place. The extrusion is merely used to align and locate blocks forming a window relative to each other and the frame.

There is no motivation provided in Carlson for the combination of its extrusion 16 with the devices of Stibolt. As discussed above, the extrusion of Carlson is directed to an entirely different application and is for use with a window frame and not for use in forming a finished window frame around a rough window frame.

With respect to claims 36-40, Carlson does not teach configuring its extrusion to receive panels. Instead, Carlson teaches that its extrusion is configured to receive translucent blocks which form the window. Moreover, there is no disclosure in Carlson that the extrusion can receive blocks of different thicknesses.

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Stibolt does not disclose an outer portion of a rear surface of a wall extension forming a longitudinal hinge with an adjacent reinforcing structure so that the rear surface may pivot rearwards to receive panels of varying thicknesses. Having a hinge about which the outer portion of the rear surface of each wing may pivot rearwardly to receive panels of different thicknesses allows for accommodation of different thickness of panels without causing the outer portion of the front surface of each wing to bow outwardly.

Given that neither Stibolt nor Carlson disclose an outer portion of a rear surface of a wall extension forming a longitudinal hinge with an adjacent reinforcing structure so that the rear surface may pivot rearwards to receive panels of varying thicknesses, it is respectfully submitted that their proposed combination also will not result in a device having such a longitudinal hinge.

Claim 21 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Stibolt in view of Carlson and in further view of U.S. Patent No. 5,454,141 to Ozbun et al. Given the above discussion of Stibolt and Carlson with respect to claim 1, it is respectfully submitted that claim 21 is not unpatentable over Stibolt in view of Carlson and in further view of Ozbun.

Claim 23 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Stibolt in view of Carlson and in further view of U.S. Patent No. 1,910,554 to Loehr et al. Given the above discussion of Stibolt and Carlson with respect to claim 1, it is respectfully submitted that claim 21 is not unpatentable over Stibolt in view of Carlson and in further view of Loehr.

Claims 24-27 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Stibolt in view of Carlson. Given the above discussion of Stibolt and Carlson with respect to claim 1, it is respectfully submitted that claims 24-27 are not unpatentable over Stibolt in view of Carlson.

Claims 29 and 35 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Stibolt in view of Carlson. The Applicant respectfully submits that claims 29 and 35 are patentable over Stibolt and Carlson. As discussed above, extrusion 16 of Carlson is for use with a window frame, not for use in finishing a

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window frame. Moreover, Carlson does not teach or suggest the insertion of drywall panels into the extrusion. Indeed, Carlson teaches away from such a use because the extrusion is adapted for receiving translucent window blocks. Placing drywall into the extrusion would result in a wall, not a window. The devices of Stibolt and the extrusion of Carlson are for two entirely different purposes, and no motivation is provided for their combination.

Claims 30-34 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Stibolt in view of Carlson and in further view of Loehr et al. The Applicant respectfully submits that claims 30-34 are patentable over Stibolt and Carlson. As discussed above with respect to claims 29 and 35, the devices of Stibolt and the extrusion of Carlson are for two entirely different purposes, and no motivation is provided for their combination. Loehr also is for an entirely different purpose, and does not disclose the claimed methods.

Claims 41-45 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Stibolt in view of Carlson. Given the above discussion of Stibolt and Carlson with respect to claim 36, it is respectfully submitted that claims 41-45, which depend therefrom, are not unpatentable over Stibolt in view of Carlson.

For the reasons set forth above, claims 11-45 are believed to be allowable, and reconsideration and allowance of claims 11-45 are respectfully requested.

Respectfully submitted,

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